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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Tammi M. Berg, individually;

Plaintiff,

vs.

P.F. Chang's China Bistro, Inc., a foreign
corporation; and Doe Defendants I-X, inclusive; Roe
Corporations XI-XX, inclusive;

Defendant.

Case No.: 2:23-cv-348-GMN-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(Second Request)**

Plaintiff Tammi M. Berg ("Plaintiff") and Defendant P.F. Chang's China Bistro, Inc., ("Defendant"), by and through their undersigned counsel of record, hereby submit the following Stipulation to Extend Discovery Deadlines. This is the first request to extend the deadlines in the scheduling order (ECF No. 14).

A. DISCOVERY COMPLETED TO DATE

The Rule 26(f) conference was held on April 12, 2023. Following the Rule 26(f) conference, the proposed Discovery Plan and Scheduling Order was filed on February 16, 2023 and approved by this Court on May 4, 2023. Plaintiff served initial disclosures on March 14, 2023 and Defendant served initial disclosures on April 24, 2023.

On May 10, 2023, Defendant served requests for production of documents and interrogatories on Plaintiff. Plaintiff timely served her written responses to the discovery requests

on June 9, 2023.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

The parties anticipate completing the following discovery:

1. Production of additional documents being obtained from Plaintiff's providers;
2. Site inspection of the subject premises;
3. Deposition of P. F. Chang's China Bistro Inc.'s FRCP 30(b)(6) designees;
4. Deposition of Plaintiff;
5. Depositions of fact witnesses;
6. Third party discovery, including any additional subpoenas to be issued;
7. Depositions of Defendant's Rule 30(b)(6) designees;
8. Expert report disclosures – initial and rebuttal; and
9. Depositions of Experts.

C. REASONS WHY DEADLINE WAS NOT SATISFIED/GOOD CAUSE FOR REQUEST

Following the parties' most recent extension to the discovery deadlines, they began discussing the possibility of a formal mediation to try and bring this matter to a successful resolution. Despite agreeing that mediation was a preferred route forward for both parties, the limited availability of each party, as well as their respective counsel, resulted in the parties needing to look further out on the calendar to find a mutually agreeable date for the planned mediation to take place on. At present, the parties are currently scheduled to attend mediation with Justice Abbi Silver (Ret.) on Friday, September 15, 2023.

The parties have continued to work together to ensure that all relevant documents are being produced in the lead up to the scheduled mediation. The parties identified early on that the issues in dispute were relatively limited in nature and scope, and that as a result the matter had a reasonable likelihood of being resolved without the need to first engage in significant discovery or incur significant expenditures for expert retention. The parties have continued to remain in communication with one another in order to continue participating in informal settlement discussions, and believe that a successful resolution is within reach. Nonetheless, the parties also

1 recognize that it benefits neither party to forego their ability to disclose experts should the need
 2 arise, if the parties are unable to reach a resolution at the upcoming mediation, and thus necessitating
 3 the present stipulation. The parties believe that an additional sixty (60) day extension will provide
 4 them with the amount of time necessary to either bring this matter to a successful resolution at the
 5 upcoming mediation, or alternatively, necessitate the need for the parties to proceed forward with
 6 expert disclosure.

7 The parties have submitted the instant stipulation and order just short of (2) months before
 8 the current discovery cut-off date of November 3, 2023, which is well within the 21 days required
 9 by LR ~~26-4~~²⁶⁻³.

10 **D. PROPOSED DISCOVERY SCHEDULE**

11 Pursuant to LR 26-4, the parties propose to extend the current deadlines and jointly submit
 12 the following to the Court:

13 1. **Discovery Cut-Off Date:** The current discovery cut-off date is November 3, 2023.
 14 The parties are requesting a sixty (60) day extension of this deadline up to and including **January**
 15 **2, 2024.**

16 2. **FRCP Rule 26(a)(2) Disclosures:** The current deadline is September 5, 2023 for
 17 initial expert disclosures and October 3, 2023 for rebuttal expert disclosures. The parties request a
 18 sixty (60) day extension of these deadlines up to and including **November 6, 2023 for initial**
 19 **experts and December 6, 2023 for rebuttal experts.**

20 3. **Dispositive Motions:** The current deadline for filing dispositive motions is
 21 December 1, 2023. The parties request a sixty (60) day extension of this deadline up to and
 22 including **January 30, 2024.**

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1 4. **Pre-Trial Order:** The current deadline to file the Joint Pretrial Order is January 2,
2 2024, unless otherwise suspended under LR 26-1(b)(5). The parties request a sixty (60) day
3 extension of this deadline up to and including **March 4, 2024**.

4 **IT IS SO STIPULATED.**

5 DATED this 31st day of August, 2023.



8 /s/ Jonathan A. Rich, Esq.
9 Michael P. Lowry, Esq.
10 Nevada Bar No. 10666
11 Jonathan A. Rich, Esq.
12 Nevada Bar No. 15312
13 ***Attorneys for P.F. Chang's***
14 ***China Bistro, Inc***

5 DATED this 31st day of August, 2023.

6 **EDWARD M. BERNSTEIN & ASSOCIATES**

8 /s/ Brian E. Lunt, Esq.
9 Brian E. Lunt, Esq.
10 Nevada Bar No. 11189
11 ***Attorneys for Plaintiff***

13 **ORDER**

14 **IT IS SO ORDERED:**

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17 UNITED STATES MAGISTRATE JUDGE

18 DATED: 9/5/2023
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